

Message Text

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ACTION EB-11

INFO OCT-01 NEA-10 ISO-00 LOC-01 COME-00 IO-14 L-03

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FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC 5623

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FOR EB/CBA/BP

E.O. 11652: NA

TAGS: EIND IR

SUBJ: COPYRIGHT - BOOK PIRACY OF JONATHAN LIVINGSTON SEAGULL

REF: A) STATE 33787; B) TEHRAN A-39

1. SUMMARY: NEW IRANIAN COPYRIGHT LAW PROVIDES PROTECTION TO FOREIGN AUTHORS AND PUBLISHERS FROM IRANIAN PIRATING OF WRITTEN WORKS IN ORIGINAL LANGUAGE OR COPYING OF SOUND RECORDINGS. HOWEVER, WHEN ORIGINAL WORK IS TRANSLATED INTO FARSI, ONLY RIGHTS OF IRANIAN TRANSLATOR ARE PROTECTED. MOST PIRATING OF FOREIGN WORKS SEEMS TO BE FOR DOMESTIC CONSUMPTION RATHER THAN EXPORT. IRAN APPARENTLY HAS NO PLANS FOR STRICTER COPYRIGHT LEGISLATION OR FOR ADHERENCE TO INTERNATIONAL CONVENTIONS. END SUMMARY.

2. NEW IRANIAN COPYRIGHT BILL NOTED REF A WENT INTO EFFECT ON DECEMBER 27, 1973 UPON RATIFICATION BY MAJLIS (LOWER HOUSE OF PARLIAMENT). OFFICIAL ENGLISH LANGUAGE TEXT STILL NOT AVAILABLE, BUT EMBASSY TRANSLATION OF FARSI TEXT POUCHED ON MARCH 2 (REF B).

3. UNDER NEW LAW FOR FIRST TIME NON-IRANIANS ARE PROTECTED
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FROM REPRODUCTION IN IRAN OF BOOKS, OTHER PUBLICATIONS, AND AUDIO WORKS IN SAME LANGUAGE IN WHICH THEY WERE WRITTEN AS

LONG AS SIMILAR PROTECTION EXISTS IN COUNTRY OF AUTHOR'S NATIONALITY OR RECIPROCITY IS OBSERVED. UNFORTUNATELY, HOWEVER, WHILE LAW PROVIDES FOR PROTECTION OF IRANIAN TRANSLATOR, IT CONTAINS NO PROVISION SAFEGUARDING RIGHTS OF ORIGINAL AUTHOR OR PUBLISHER. THUS, PUBLISHER OF "JONATHAN LIVINGSTON SEAGULL" APPEARS TO HAVE NO LEGAL BASIS ON WHICH TO BRING SUIT AGAINST TRANSLATOR AND PUBLISHER OF FARSI VERSION OF BOOK.

4. PROTECTION OF FOREIGN PUBLISHERS AGAINST REPRODUCTION OF WORKS IN ORIGINAL FORM, HOWEVER, IS SIGNIFICANT STEP FORWARD IN IRANIAN COPYRIGHT SITUATION. EMBASSY HAS BEEN ASSURED BY OFFICIALS IN MINISTRY OF ARTS AND CULTURE AND MINISTRY OF FOREIGN AFFAIRS THAT UNAUTHORIZED REPRODUCTION OF SOUND RECORDINGS FOR SALE HAS BECOME STRICTLY ILLEGAL UNDER NEW COPYRIGHT LAW.

5. WHETHER NEW LAW WILL BE ENFORCED, HOWEVER, REMAINS TO BE SEEN. EMBASSY IS AWARE OF EXTENSIVE COPYING OF FOREIGN COPYRIGHTED RECORDS, TAPES AND CASSETTES FOR LOCAL USE, BUT IT HAS NO INFORMATION CONFIRMING REPORT CONTAINED IN REFTEL THAT SUBSTANTIAL QUANTITY OF SOUND RECORDINGS ARE EXPORTED FROM IRAN. ACCORDING TO OFFICIAL GOI TRADE STATISTICS, DURING MOST RECENT THREE AND ONE-HALF YEAR PERIOD FOR WHICH DATA AVAILABLE ONLY RLS. 729,000 (\$10,800) WORTH OF SOUND RECORDINGS WERE EXPORTED. DURING SAME PERIOD, IRANIAN IMPORTS OF RECORDS, TAPES (INCLUDING BLANKS), ETC., TOTALED RLS. 257 MILLION (\$3.8 MILLION). MOREOVER, MINISTRY OF ECONOMY STATISTICS SHOW THAT IN 1351 (MARCH 21, 1972 - MARCH 20, 1973), MOST RECENT YEAR FOR WHICH DATA AVAILABLE, ONLY 6.2 MILLION RECORDS WERE PRODUCED IN IRAN. (STATISTICS NOT AVAILABLE FOR TAPES OR CASSETTES). LOCAL PRICES OF STANDARD SIZE RECORDS, WHETHER IRANIAN ARTISTS OR COPIES OF FOREIGN RECORDINGS, ARE MOSTLY IN \$3 - \$4 RANGE.

6. EMBASSY HAS MADE KNOWN ORALLY TO MINISTRY OF FOREIGN AFFAIRS OFFICIAL USG CONCERN OVER NON-PROTECTION OF U.S. AUTHORS AND PUBLISHERS FROM PIRATED TRANSLATIONS, BUT HAS BEEN INFORMED THAT UNDER EXISTING IRANIAN LAW THEY HAVE NO LEGAL BASIS ON WHICH TO BRING SUIT IN IRANIAN COURTS. AT PRESENT, GOI SEEMS LIMITED OFFICIAL USE
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TO HAVE NO PLANS TO PASS ADDITIONAL LEGISLATION OR ADHERE TO UNIVERSAL COPYRIGHT CONVENTION. UNDER SECRETARY IN MINISTRY OF ARTS AND CULTURE SUGGESTED PUBLISHER OF "JONATHAN LIVINGSTON SEAGULL" SHOULD WRITE TO IRANIAN PUBLISHER (ROUZNAMEH ETELLAT, KH. KHAYAM, TEHRAN) WHICH MIGHT BE WILLING TO MAKE SOME KIND OF SETTLEMENT, BUT EMBASSY HAS NO REASON BELIEVE COMPANY WOULD FEEL SO OBLIGATED. HOWEVER, THIS APPROACH CAN DO NO HARM AND SHOULD BE TRIED.

7. EMBASSY RECOMMENDS DEPARTMENT MAKE KNOWN TO ANY AMERICAN

COMPANIES HAVING COMPLAINTS ABOUT IRANIAN PIRACY OF SOUND
RECORDINGS OR IRANIAN PRODUCTION OF UNTRANSLATED BOOKS THAT
THEY NOW HAVE
LEGAL BASIS FOR TAKING ACTION IN IRANIAN COURTS.
IF INFRINGEMENTS ON NEW COPYRIGHT LAW ARE PROVEN IN COURT, WORD
WILL BE SPREAD TO OTHER GUILAH IRANIAN COMPANIES. UP TO PRESENT
TIME, FAI SEEM TO BE AWARE OF PROTECTION PROVIDED TO FOREIGNERS
BY NEW LAW.
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